

Senate Amendment to
House File 69

H-1340

1 Amend House File 69, as amended, passed, and reprinted by the
2 House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 716.7, Code 2017, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 4. A person has received notice to abstain
7 from entering or remaining upon or in property within the
8 meaning of subsection 2 if any of the following is applicable:

9 a. The person has been notified to abstain from entering or
10 remaining upon or in property personally, either orally or in
11 writing, including by a valid court order under chapter 236.

12 b. A printed or written notice forbidding such entry has
13 been conspicuously posted or exhibited at the main entrance to
14 the property or the forbidden part of the property.

15 c. Identifying purple marks or caps have been placed on
16 trees or posts around the area where entry is forbidden. Each
17 purple mark must be either of the following:

18 (1) A vertical line of at least eight inches in length and
19 the bottom of the mark must be no less than three feet and
20 no more than five feet above the ground. Such marks must be
21 placed no more than one hundred feet apart and must be readily
22 visible to any person approaching the property.

23 (2) A fence post capped or otherwise marked on at least the
24 post's top two inches. The bottom of the cap or mark must be
25 no less than three feet and no more than five feet, six inches
26 above the ground. Posts so capped or marked must be placed no
27 more than thirty-six feet apart and must be readily visible
28 to any person approaching the property. Prior to applying a
29 cap or mark which is visible from both sides of a fence shared
30 by different property owners, lessee, or others in lawful
31 possession, all such owners, lessees, or others in lawful
32 possession shall concur in the decision to apply a cap or mark
33 to the fence.

34 d. Paragraph "c" shall not be construed to authorize an
35 owner, lessee, or other person in lawful possession of any

1 property to place any purple marks or caps on any tree or post
2 or to install any post or fence if doing so would violate
3 any applicable law, rule, ordinance, order, covenant, bylaw,
4 declaration, regulation, restriction, or instrument.

5 e. Paragraph "c" does not apply to real property located in
6 a city with a population of more than sixty thousand.

7 f. Prior to July 1, 2019, notice provided by the method
8 described in paragraph "c" is not effective unless notice is
9 also provided by a method described in paragraph "a" or "b".
10 This paragraph "f" is repealed July 1, 2019.>

11 2. Page 1, line 8, after <11.> by inserting <A peace
12 officer shall consider arresting and may arrest the person
13 under section 805.9, subsection 3, paragraph "c", if the person
14 refuses to leave the property after receiving a citation or
15 immediately returns to the property after receiving a citation,
16 or may arrest the person as otherwise provided under law.>

17 3. Page 1, line 13, after <11.> by inserting <A peace
18 officer shall consider arresting and may arrest the person
19 under section 805.9, subsection 3, paragraph "c", if the person
20 refuses to leave the property after receiving a citation or
21 immediately returns to the property after receiving a citation,
22 or may arrest the person as otherwise provided under law.>

23 4. Page 1, after line 28 by inserting:

24 <Sec. ____ . DISSEMINATION OF INFORMATION REGARDING
25 MARKING PROCEDURES. The departments of agriculture and land
26 stewardship and natural resources shall conduct an information
27 campaign for the public concerning the implementation and
28 interpretation of section 716.7, subsection 4, paragraph
29 "c". The information shall inform the public about the
30 marking requirements, including information regarding the size
31 requirements of the markings as well as the manner in which
32 the markings must be placed. The departments of agriculture
33 and land stewardship and natural resources shall also include
34 information that, prior to July 1, 2019, any owner, lessee, or
35 other person in lawful possession who chooses to place purple

1 markings or caps on such person's property, must also comply
2 with one of the other notice requirements listed in section
3 716.7, subsection 4. The departments of agriculture and land
4 stewardship and natural resources may prepare a brochure,
5 disseminate the information through agency internet sites, or
6 collaborate with nongovernmental organizations to assist in the
7 dissemination of the information.>

8 5. Title page, line 1, after <Act> by inserting <relating
9 to criminal trespass,>

10 6. Title page, line 1, after <trespassing> by inserting <,
11 and including applicability provisions>

12 7. By renumbering as necessary.